

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jackie Manginelli	Team: Squad #10	CCRB Case #: 202004300	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input checked="" type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sat, 05/30/2020 , Sat, 05/30/2020 9:30 PM, Mon, 07/27/2020 9:22 AM	Location of Incident: [REDACTED]	Precinct: 13	18 Mo. SOL 11/30/2021	EO SOL 5/4/2022	
Date/Time CV Reported Mon, 06/15/2020 2:25 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Mon, 06/15/2020 2:25 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. An officer			
2. Officers			
3. POM Ali Hassan	01324	960642	105 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Nick Milentijevic	03660	930738	105 PCT
2. POF Samantha Saville	29610	967324	105 PCT
3. POM Brian Ortiz	16730	961044	105 PCT
4. POM Ryan Nelson	02834	961001	105 PCT
5. POM Imtiaz Mohamed	20557	950898	105 PCT
6. POM Jazer Suazo	28401	949997	105 PCT

Officer(s)	Allegation	Investigator Recommendation
A . Officers	Force: On May 30, 2020, at an unknown location, officers used physical force against an individual.	A . § 87(2)(g) [REDACTED]
B . An officer	Force: On May 30, 2020, at an unknown location, an officer struck individuals with a baton.	B . § 87(2)(g) [REDACTED]
C . An officer	Force: On May 30, 2020, at an unknown location, an officer struck § 87(2)(b) [REDACTED] with a baton.	C . § 87(2)(g) [REDACTED]
D . POM Ali Hassan	Discourtesy: On May 30, 2020, at 14th Street and 4th Avenue in Manhattan, Police Officer Ali Hassan spoke discourteously to § 87(2)(b) [REDACTED].	D . § 87(2)(g) [REDACTED]
E . POM Ali Hassan	Force: On May 30, 2020, at 14th Street and 4th Avenue in Manhattan, Police Officer Ali Hassan struck § 87(2)(b) [REDACTED] with a baton.	E . § 87(2)(g) [REDACTED]
F . POM Ali Hassan	Force: On May 30, 2020, at 14th Street and 4th Avenue in Manhattan, Police Officer Ali Hassan struck an individual with a baton.	F . § 87(2)(g) [REDACTED]

Officer(s)	Allegation	Investigator Recommendation
G . POM Ali Hassan	Discourtesy: On May 30, 2020, at 14th Street and 4th Avenue in Manhattan, Police Officer Ali Hassan spoke discourteously to an individual.	G . § 87(2)(g)
H . POM Ali Hassan	Untruthful Statement: On July 27, 2020, at 100 Church Street in Manhattan, Police Officer Ali Hassan provided a misleading official statement to the CCRB.	H . § 87(2)(g)
§ 87(4-b), § 87(2)(g)		

Case Summary

On June 16, 2020, § 87(2)(b) filed the following complaint with the CCRB on-line.

On May 30, 2020, at an unknown time, § 87(2)(b) started marching with a Black Lives Matter march at Barclays Center in Brooklyn. He ran into his friend, § 87(2)(b) and they marched together. The march crossed over the Manhattan Bridge and into Manhattan. § 87(2)(b) lost track of § 87(2)(b) when they crossed over into Manhattan.

At an unknown time in the evening, in either Brooklyn or in Manhattan, § 87(2)(b) allegedly saw multiple unknown officers pull a man off his bike and tackle him to the ground (**Allegation A—Force: Other:** § 87(2)(g)). An unknown officer allegedly hit protesters with his baton (**Allegation B—Force: Nightstick as club:** § 87(2)(g)). The same unknown officer approached § 87(2)(b) and allegedly lightly hit him on his upper-body or his arm with a baton (**Allegation C—Force: Nightstick as club:** § 87(2)(g)).

The march continued and at approximately 9:30 p.m. in the vicinity of 14th Street and 4th Avenue in Manhattan, officers ran toward protesters and § 87(2)(b) ran away while recording on his cellphone. PO Ali Hassan ran toward § 87(2)(b) and shouted, “Get the fuck back! Get back!” (**Allegation D—Discourtesy: Word:** § 87(2)(g)). PO Hassan swung his baton and hit § 87(2)(b)’s lower legs and, using his baton, pushed § 87(2)(b) in the chest (**Allegation E—Force: Nightstick as club:** § 87(2)(g)). PO Hassan then approached a man holding a large shoulder-mounted camera and pushed him in the chest using his baton (**Allegation F—Force: Nightstick as club:** § 87(2)(g)). PO Hassan then asked § 87(2)(b) and the unknown cameraman, “You guys weren’t fucking things up, right?” (also, **Allegation D and G -Discourtesy: Word:** § 87(2)(g)). PO Hassan then walked away.

During his CCRB interview on July 27, 2020, at 100 Church Street in Manhattan, PO Hassan made a misleading statement to the CCRB (**Allegation H—Untruthful Statement: Misleading Statement:** § 87(2)(g), § 87(4-b), § 87(2)(g)).

§ 87(2)(b) submitted cellphone footage that captured this incident (**Board Review 03**). PO Hassan submitted cellphone footage that he took on his personal phone that captured the beginning of this incident prior to his interaction with § 87(2)(b) however, it did not capture any allegations (**Board Review 16**). There was no other footage of this incident (**Board Review 07**).

This case was added to the sensitive case list due to the press coverage of § 87(2)(b)’s cellphone video (**Board Review 14**).

Findings and Recommendations

Allegation A: Force: On May 30, 2020, at an unknown location, officers used physical force against an individual.

Allegation B: Force: On May 30, 2020, at an unknown location, an officer struck individuals with a baton.

Allegation C: Force: On May 30, 2020, at an unknown location, an officer struck § 87(2)(b) with a baton.

§ 87(2)(b) was interviewed over the phone on June 23, 2020 (**Board Review 01**). § 87(2)(b) was unavailable to the investigation. The cameraman could not be identified. PO Ali Hassan was interviewed at the CCRB on July 27, 2020 (**Board Review 02**).

§ 87(2)(b) stated that on May 30, 2020, at an unknown time in the evening, either in Brooklyn or Manhattan, protesters surrounded one or two parked police vehicles and unknown officers chased the protesters away. Two officers, then pulled a man off a bike and brought him to the ground. § 87(2)(b) approached the scene while recording. Additional officers then came and dispersed the protesters. One officer swung his baton at the protesters and hit § 87(2)(b) on his upper body or arm with his baton.

PO Hassan said he was not involved in any protest-related action earlier that day and was working on a 911-call in Queens that was not protest-related. PO Hassan did not witness an individual being pulled off a bike and tackled to the ground by two officers.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation D: Discourtesy: On May 30, 2020, at 14th Street and 4th Avenue in Manhattan, Police Officer Ali Hassan spoke discourteously to § 87(2)(b)

Allegation E: Force: On May 30, 2020, at 14th Street and 4th Avenue in Manhattan, Police Officer Ali Hassan struck § 87(2)(b) with a baton.

Allegation F: Force: On May 30, 2020, at 14th Street and 4th Avenue in Manhattan, Police Officer Ali Hassan struck an individual with a baton.

Allegation G: Discourtesy: On May 30, 2020, at 14th Street and 4th Avenue in Manhattan, Police Officer Ali Hassan spoke discourteously to an individual.

§ 87(2)(b) stated that at approximately 9:38 p.m., in the vicinity of 14th Street and 4th Avenue in Manhattan, multiple protesters surrounded one or two police vans and yelled at officers. Multiple officers then ran towards the protesters and § 87(2)(b) and other protesters ran away. § 87(2)(b) stopped running and stood on the street away from the police vehicles. PO Ali Hassan then approached him while he recorded with his cellphone in one hand and raised his other hand in the air. PO Hassan said something that § 87(2)(b) interpreted as asking them to leave. PO Hassan then hit him on his lower thigh with his baton and pushed § 87(2)(b) with the baton in his mid-section while telling him to leave. PO Hassan then pushed a press cameraman, who was standing to the left and slightly behind § 87(2)(b) with his baton. The cameraman was carrying a large shoulder-mounted camera and told PO Hassan that he was, "Press." § 87(2)(b) remained in place, continued to record, and PO Hassan walked away from them.

PO Hassan stated that he and his partner, PO Samantha Saville, were in a police van, with PO Brian Ortiz, PO Ryan Nelson, PO Imtiaz Mohamed, PO Jazer Suazo, and Sergeant Nick Milentijevic, when a large group of protesters surrounded the van chanting and cursing at them. Someone then threw a rock at the rear windshield of the van, which shattered the glass. There was also a trash fire on the street behind the police van. The officers exited the van and protesters threw bottles toward the police officers; however, no officers were hit. A few protesters dumped the trash fire out of the trash can and kicked pieces of the fire towards the police officers and some of the fire hit the rear bumper of their vehicle. The officers stood outside of the van while Sergeant Milentijevic called a code 10-13 over the radio, (officer needs assistance). Approximately thirty to forty additional officers arrived at the incident location and ran toward where PO Hassan and his fellow officers were standing. The protesters then ran away from the police van. All the officers formed a line

across the entire street and waited for the protesters to disperse on their own. Sergeant Milentijevic was in the line as well, but he did not give any instructions. Most of the protesters moved away from the officers in the line; however, some remained approximately two feet from the officers. The officers were not given any further instructions and did not move toward the protesters who eventually dispersed to different streets on their own. Neither PO Hassan nor the other officers used any force to disperse the protesters because the protesters did not come close enough to the officers for the officers to have to push them away. The officers were trained in the police academy to hold their baton in both of their hands and horizontally across their chest and push protesters on their upper chest if they came too close. PO Hassan did not have to do this, nor did he use his baton at all that evening. The officers stood in the line for approximately an hour until all the protesters left the street.

§ 87(2)(b)'s cellphone footage captures a portion of this incident (**Board Review 03**). At 01:08, PO Hassan takes out his baton and approaches § 87(2)(b). Another officer he is with walks away from him towards his left, and PO Hassan looks in his direction. PO Hassan appears to swing his baton towards § 87(2)(b)'s legs, but the baton is out of frame and whether the baton struck the leg cannot be seen. At 01:10, a thud sound is heard immediately after PO Hassan swings his baton. PO Hassan tells § 87(2)(b) to, "Get the fuck back! Get back!" He then holds his baton horizontally across his chest and pushes § 87(2)(b) in the chest with his baton. PO Hassan then pushes a man holding a large shoulder-mounted camera standing to § 87(2)(b)'s left with his baton. At 01:13, the man says that he is, "Press." PO Hassan asks, "You guys weren't fucking things up, right?" At 01:20, PO Hassan turns around and walks away from them.

After providing his initial narrative noted above, PO Hassan was shown the cell phone footage. PO Hassan then changed his statement saying that the officers were told to clear the street by an unknown supervisor. PO Hassan and the other officers ran towards the protesters as per those orders. PO Hassan ran towards § 87(2)(b), took his baton out, and swung towards § 87(2)(b)'s legs. PO Hassan missed and did not actually hit § 87(2)(b) with the baton. § 87(2)(b) cursed at PO Hassan and told him that he was not going to move back. PO Hassan held his baton horizontally and pushed § 87(2)(b) back with the baton. He did not know if § 87(2)(b) had anything to do with lighting the fire or throwing the rock through the windshield because there were close to one thousand protesters in the area. He also did not notice § 87(2)(b) recording at the time and did not notice the other male had a shoulder mounted camera. PO Hassan pushed that cameraman with his baton because he wanted to get him out of the street. PO Hassan was not given any specific instructions for how to deal with members of the press. PO Hassan identified his voice in the video as saying, "Get the fuck back, get back," and "You guys weren't fucking things up, right?" PO Hassan said he used profanity because he was scared, and it was a stressful situation.

PO Hassan was asked to indicate the time in the video when § 87(2)(b) cursed while saying that he is not going to move back. PO Hassan identified 01:14 as when § 87(2)(b) said this. However, the investigation could not hear § 87(2)(b) refusing to move at any point in the video, and at approximately 01:14 § 87(2)(b) is saying, "We're just standing here."

It was undisputed that PO Hassan said, "Get the fuck back," to § 87(2)(b) and, "You guys weren't fucking things up, right?" to § 87(2)(b) and the cameraman. It was undisputed that PO Hassan swung his baton toward § 87(2)(b)'s legs and pushed § 87(2)(b) and the cameraman with his baton.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

According to Patrol Guide 200-02, The police department must maintain a higher standard of integrity than is generally expected of others because so much is expected of them. The police department must value human life, respect the dignity of each individual, and render their services with courtesy and civility (**Board Review 04**).

According to DCT Case Law 2017-17276, language which would ordinarily be inappropriate in dealing with civilians may be excused in the course of a violent confrontation (**Board Review 15**).

PO Hassan said he spoke discourteously because it was a stressful situation. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

According to Patrol Guide Procedure 221-01 (**Board Review 05**), when appropriate and consistent with personal safety, members of the service will use de-escalation techniques to safely gain voluntary compliance from a subject to reduce or eliminate the necessity to use force. In determining whether the use of force is reasonable, members of service should consider the following:

- A. The nature and severity of the crime or circumstances
- B. Actions taken by the subject
- C. The duration of the action
- D. The immediacy of the perceived threat or harm to the subject, members of service, and/or bystanders
- E. Whether the subject is actively resisting custody
- F. Whether the subject is attempting to evade arrest by flight
- G. Number of subjects in comparison to the number of MOS
- H. Size, age, and condition of the subject in comparison to the MOS
- I. Subject's violent history, if known
- J. Presence of a hostile crowd or agitators
- K. Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence

§ 87(2)(g)

§ 87(2)(g)

Allegation H: Untruthful Statement: On July 27, 2020, at 100 Church Street in Manhattan, Police Officer Ali Hassan provided a misleading official statement to the CCRB.

In his initial narrative, PO Hassan did not mention using his baton during this incident. When asked if he used his baton at all, he stated that he did not use it at all that evening and that he and all the officers stood in a line for approximately an hour until the protesters left the street on their own. He stated that no action was taken to clear the street beyond forming this line. During this portion of his interview, he was able to recall specific details about what occurred, such as being surrounded by protestors, having a rock being thrown through the back windshield of the police van, and a trash fire on the street. When presented with § 87(2)(b)'s cellphone video from the incident (**Board Review 03**), which showed him approaching and using his baton against § 87(2)(b) and the cameraman, PO Hassan said, "Watching the video, once we charged after them, we had to tell them to get back, that's it. I ran towards him, I took my baton out, I never struck him, it missed him, but then I used the horizontal and I pushed him back." PO Hassan also acknowledged pushing the press cameraman because he wanted him out of the street. PO Hassan provided no explanation for why he changed his statement when confronted with the video.

According to Patrol Guide Procedure 203-08, a misleading statement is a statement that is intended to misdirect the fact finder, and materially alter the narrative by: intentionally omitting a material fact or facts, or altering and/or changing a member's prior statement or account when a member of service is confronted with independent evidence indicating that an event did not occur as initially described. A material fact is a significant fact that a reasonable person would recognize as relevant to, or affecting, the subject matter of the issue at hand, including any foreseeable consequences, or establishment of the elements of some proscribed conduct. It is a fact that is essential to the determination of the issue and the suppression, omission, or alteration of such fact would reasonably result in a different decision or outcome. A material fact may be distinguished from an insignificant, trivial, or unimportant detail (**Board Review 08**).

In DCT Case Number 2017-18331, a Lieutenant was determined to have made statements that were knowingly misleading at the time she made them, and that the statements made were material false statements because they went beyond a mere denial of misconduct and instead offered an alternative factual scenario which, if believed, would absolve her of responsibility (**Board Review 12**).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]

§ 87(4-b), § 87(2)(g) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

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[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) [REDACTED]
[REDACTED]
 - § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]
- PO Ali Hassan has been a member of service for four years and this is the first complaint for which he has been a subject.

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- A FOIL request for any Notice of Claim to the New York City Comptroller's Officer, confirmed that § 87(2)(b) [REDACTED] did not file a Notice of Claim for this incident (**Board Review 09**).
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED]

Squad No.: 10

Investigator: Jackie Manginelli Inv. Jackie Manginelli 08/14/2020
Signature Print Title & Name Date

Squad Leader: Eric Rigie IM Eric Rigie 8/17/2020
Signature Print Title & Name Date

Reviewer: _____

Signature Print Title & Name Date